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Group No. 1722
Examiner: Mackey, J.
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REMARKS

The Examiner is respectfully reminded that in his last response Applicant has withdrawn his claim to make the present application as a CIP of US 08/481,458.

Claim 45 has been added. Support for this new claim can be found at page 9 of the specification as originally filed and in the drawings.

Claims 3-4, 22, 24, and 44 have been canceled without prejudice. As a consequence, it is now believed that the Examiner's comments in the last part of his Advisory Action issued on April 10, 2001 have been overcome.

The following remarks will address the Examiner's comments in his Final Rejection dated November 21, 2000.

Independent claims 25 and 43

Claims 25 and 43 recite a conveying template comprising a cavity having "an interior dimension which is smallest in a region remote from said exterior surface to define a shoulder thereat for resiliently holding a thermoformed article disposed in the cavity."

In his Final Rejection, the Examiner has rejected claims 25 and 43 under 35 USC 103(a) as obvious over the combination of GB 2,263,660 (Padovani) with WO 94/15863 (Padovani). According to the Examiner, WO 94/15863 shows an extraction head comprising retention surfaces defining an annular shoulder therebetween, so that it would have been obvious to provide such retention surfaces also in the receiving templates.

The argument of the Examiner is respectfully traversed for two distinct reasons.

First, neither WO 94/15863 nor GB 2,263,660 disclose or suggest that the holes of the receiving template can have an internal shape that is similar to the internal shape of the extraction head. It is thus submitted that the Examiner has rejected claims 25 and 43 without producing any prior art document that shows receiving templates comprising retention surfaces as claimed. Should the Examiner intend to maintain his rejection, the Examiner should cite a reference in support of his or her position or file an affidavit. See MPEP, § 2144.03.

Second, claims 25 and 43 recite the presence in the conveying templates of a cavity having "an interior dimension which is smallest in a region remote from said exterior surface to define a shoulder thereat for resiliently holding a thermoformed article disposed in the cavity." (emphasis added). See Figs. 19-53 of the present application,

which show the shape of the holes in the receiving conveying templates. More specifically, in each of those figures, the internal dimension of the cavities is always smallest in a region remote from the exterior surface. By contrast, Figs. 11-13 of WO 94/15863 show a cavity in the pick-up head where the interior dimension of the cavity along the region 32, which region is remote from the exterior surface, is larger than the interior dimension of the cavity in other regions of the cavity, for example the ending portion of region 31.

It is therefore submitted that claims 25 and 43 are patentably distinct from WO 94/15863 and GB 2,263,660, because the combination of these two documents does not show cavities associated with conveying templates, having an interior dimension which is smallest in a region remote from the exterior surface of the element to be inserted to define a shoulder thereat for resiliently holding a thermoformed article disposed in the cavity.

Dependent claims

Claims 5-21 and 23 directly or indirectly depend from claim 43. Claims 26-30 directly or indirectly depend from claim 25. Thus, they too are patentable over WO 94/15863 and GB 2,263,660. Moreover, additional arguments will now be presented against the rejection of some of those claims.

Claims 10-14 recite the presence of a "truncated conical collar seated in each receiving hole." See for example Fig. 19 of the present application. Neither WO 94/15863 nor GB 2,263,660 show truncated conical collars.

Claim 15 recites the presence of a "two-diameter adaptor collar installable in a receiving seat of an opening in said conveying template, said adaptor collar providing said receiving hole in said conveying template and having an internal diameter delimited by a tapered upper section, an undercut intermediate section, and an annular shoulder downstream of the undercut section." Neither WO 94/15863 nor GB 2,263,660 show the presence of a two-diameter adaptor collar. Further, the internal shape of the receiving hole in this embodiment differs from the internal shape of the pick-up head in WO 94/15863 for at least two reasons: first, as already explained above, the interior dimension of the hole is smallest in a region remote from the exterior surface. Second, in the present application the annular shoulder is located downstream of an undercut intermediate section. See element 42 in Figure 26.

Claim 16 recites that the "receiving holes have a slightly smaller internal dimension than the external dimension of the thermoformed articles." See Figures 27-30 and page 14, lines 14-22 of the present application. By contrast, Figure 12 of WO 94/15863 and the related part of the description (page 14 of WO 94/15863) only describe a resilient deformation due to the countersunk configuration of lengths 31 and 32 and not to the

“slightly smaller” internal dimension of the receiving holes.

Claim 19 recites the presence of “air jets for sinking each of the articles into the receiving holes.” See for example Figs. 46 and 47 of the present application. This feature is not present in WO 94/15863 or GB 2,263,660.

Claims 20-21 recite the presence of a “cup-shaped receiving component for a thermoformed article, the cup-shaped component being disposed adjacent at least one of said receiving holes and having at least one orifice in a bottom of the cup-shaped component.” See for example Fig. 52 of the present application. This feature is not present in WO 94/15863 or GB 2,263,660.

Claim 26 recites that the cavity is defined in a plate and, wherein the plate “has two exterior surfaces disposed essentially parallel to each other, the cavity communicating with both surfaces.” This feature is not present in WO 94/15863 or GB 2,263,660.

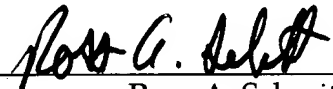
Claims 29-30 recite the presence of a “slightly undercut internal angle of incidence.” This feature is not present in WO 94/15863 or GB 2,263,660.

For the reasons explained above, favorable reconsideration of the present application is respectfully requested.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Respectfully submitted,

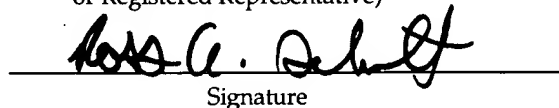


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Enclosures - Appendix
Postcard
Petition for extension of time

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on April 20, 2001.

Ross A. Schmitt
(Name of Applicant, Assignee
or Registered Representative)


Signature

April 20, 2001